

**MINUTES**  
**BOARD OF ZONING ADJUSTMENT**  
**September 8, 2022**

The Board of Zoning Adjustment Meeting was held on Thursday, September 8, 2022, in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were VanDeRostyne, Fjeldheim, Babcock, Grebner, and Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, GIS Coordinator, David Dosch, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Grebner moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of August 11, 2022, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) Troy Nieman requested permission, as per site plan submitted, for 1) existing residence to remain 11' from the North property line rather than the permitted 25', which would be a 14' Setback Variance and 2) 1.5' from the West property line rather than the required 5', which would be a 3.5' Setback Variance in order to 3) replace 4'x6' uncovered front landing and stairs 5' from the North property line rather than the required 15', which would be a 10' Setback Variance, all on Lot 1, Howard & Hedger First Rearrangement of Lots 11-12, Block 4, North Aberdeen Addition, a.k.a. 110 Second Avenue NE. Troy Nieman was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve items #1 and #2. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES APPROVED.** Upon further discussion, Grebner moved, and VanDeRostyne seconded to approve item #3 with the following stipulations: 1) All required inspections must be completed, and 2) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**
- 2) Troy Nieman and Aberdak Heating & Air requested permission, as per site plan submitted, to permit the open storage of miscellaneous equipment and items related to a heating and air conditioning business, which would be a Special Exception in the (C-3) Central Business District, all on Lot 10, Block 14, North Aberdeen Addition, a.k.a. 114 Lincoln Street N. Troy Nieman was present to represent the property. Following discussion, Grebner moved, and Weigel seconded, to approve with the following stipulations: 1) This Special Exception is for Aberdak Heating & Air only, as long as they are the owner/operator of proposed use, 2) All storage must be in rear of yard of property, 3) Storage is limited to licensed, operable Aberdak vehicles, trailers, and machinery, heating and air conditioning units, and similar items only, 3) Property must be maintained in a neat and orderly manner at all times, 4) Must install 6' tall privacy fence around area where heating and air conditioning units and similar items will be stored by November 1, 2022. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) Travis Wald requested permission, as per site plan submitted, to permit the open storage of semi-trucks, trailers and similar equipment related to a truck operation terminal, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Eilers Commercial Park Addition, a.k.a. 615 Roosevelt Street N. Travis Wald was present to represent

the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve with the following stipulations: 1) This Special Exception is for Travis Wald only, as long as he is the owner/operator of the proposed use, 2) All vehicles must be licensed and operable, 3) No parking in corner visibility triangle at the corner of Hyman Dr and Roosevelt St., 4) Property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 4) Rustin Deibert requested permission, as per site plan submitted, to construct a 13'x31' addition to residence 7.5' from the South property line rather than the required 20', which would be a 12.5' Building Variance, all on Lot 4, Block 1, Park Ridge Estates First Addition, a.k.a. 1502 Twentieth Street N. Rustin Deibert was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny this request. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock aye, Grebner nay, Weigel aye (4 aye, 1 nay), the motion carried. **BUILDING VARIANCE DENIED.**

Chairman Babcock stepped down as Chairman for the next item and Grebner proceeded as Acting Chairman.

- 5) BSW, LLC requested permission, as per site plan submitted, to 1) plat proposed Lot 1 with 35.82' of frontage rather than the required 50', which would be a 14.18' Minimum Lot Width Variance and 2-4) plat Lots 2-4 with 20' of frontage rather than the required 50', which would be three 30' Minimum Lot Width Variances, and 5) plat Lot 5 with 34.80' of frontage rather than the required 50', which would be a 15.20' Minimum Lot Width Variance, and 6) to construct a townhome on Lot 1, 0' from the North property line rather than the required 5', which would be a 5' Building Variance and 7) construct a townhome on Lot 2, 0' from the North and South property lines rather than the required 5', which would be two 5' Building Variances, and 8-9) construct a townhome on Lot 3, 0' from the North and South property lines rather than the required 5', which would be two 5' Building Variances and 10-11) construct a townhome on Lot 4, 0' from the North and South property lines rather than the required 5', which would be two 5' Building Variances and 12) to construct a townhome on Lot 5, 0' from the South property line rather than the required 5', which would be a 5' Building Variance, all on Proposed Lots 1-5, Sauerwein Second Addition, a.k.a. 812, 816 and 822 High Street N. Cory Sauerwein was present to represent the property. Following discussion, Weigel moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) A plat of the property must be approved and filed with the Register of Deed's Office, 2) Plans must be approved and a permit obtained prior to construction, 3) All required inspections must be completed, and 4) Individual water and sewer services need to be installed for each residence. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock abstain, Grebner aye, Weigel aye (4 aye, 1 abstain), the motion carried. **MINIMUM LOT WIDTH VARIANCES APPROVED. BUILDING VARIANCES APPROVED.**

Chairman Babcock proceeding as Chairman.

- 6) Teton Development, LLC requested permission, as per site plan submitted, to 1) permit the installation of an off-premise sign in addition to a primary use, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct a new freestanding sign 4.3' from the South property line rather than the required 10', which would be a 5.7' Sign Setback Variance, all on Lot 1, Teton Development Third Subdivision, a.k.a. 2727 Sixth Avenue SE. Jay Gellhaus and Jeff

Lamont were present to represent the property. Following discussion, Weigel moved, and Grebner seconded to approve item #1 with the following stipulations: 1) This sign must comply with all other applicable sign codes, 2) Sign may advertise commercial uses on Lots 1-3, Teton Third Subdivision only, no other off-premises advertising may be displayed, and 3) No additional freestanding signs may be permitted on Lots 1-3, Teton Third Subdivision, or future replattings of said Lots. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Upon further discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny item #2. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock aye, Grebner nay, Weigel aye (4 aye, 1 nay), the motion carried. **SIGN SETBACK VARIANCE DENIED.**

- 7) Sixth Avenue Properties, LLC requested permission, as per site plan submitted, to 1) plat a lot that is 76' wide rather than the permitted 100', which would be a 24' Minimum Lot Width Variance, and 2) plat a lot that is 75' in depth rather than the required 150', which would be a 75' Minimum Lot Depth Variance, and 3) to plat proposed Lot 2 with 32 parking stalls rather than the permitted 39, which would be a 7 stall Minimum Parking Stall Variance, all on Proposed Lots 1&2, Suedmeier Sixth Avenue Addition to the City of Aberdeen, a.k.a. 610 Sixth Avenue SW. Rod Tobin was present to represent the property. Following discussion, Fjeldheim moved, and Weigel seconded, to deny items #1 and #2. Rod Tobin withdrew the request for items #1 and #2. **WITHDREW ITEMS #1 AND #2.** Upon further discussion, Grebner moved, and Fjeldheim seconded, to approve item #3 with the following stipulations: 1) A plat creating one lot out of proposed lots 1 & 2, Suedmeier Sixth Avenue Addition, must be approved and filed with the Register of Deed's Office, and 2) Any illegal or unpermitted signs must be removed or permitted to bring them into compliance. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED ITEM #3.**
- 8) Tim Gisi requested permission, as per site plan submitted, to 1) plat a lot that is 49.92' wide rather than the required 50', which would be a .08' Building Variance, and 2) for existing residence to remain 19.5' from the South property line rather than the required 25', which would be a 5.5' Building Variance, and 3) to plat a lot line 9.8' South of an existing accessory structure rather than the required 25', which would be a 15.2' Building Variance in order to 4) plat a lot to permit 1156sf of accessory structure lot coverage rather than the permitted 1046sf, which would be a 110sf Maximum Accessory Structure Lot Coverage Variance, and 5) to permit two accessory structures that are not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 18-19 & North 66.36' of Lots 20-22, Block 49, Hagerty & Lloyd's Addition to Aberdeen, a.k.a. 215 First Avenue NE. Tim Gisi and Tanya Poirier were present to represent the property. Following discussion, Weigel moved, and Grebner seconded, to approve items #1 and #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED ITEMS #1 AND #2.** Upon further discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny items #3-#5. Tim Gisi withdrew his request on items #3-#5. No further action was taken. **WITHDREW ITEMS #3-#5.**
- 9) Tracy Salwei requested permission, as per site plan submitted, for 1) existing residence to remain 13.5' from the South property line rather than the required 25', which would be a 11.5' Building Variance, and 2) 4.8' from the West property line rather than the required 5', which would be a .2' Building Variance, and 3) 4.2' from the East property line rather than the required 5', which would be a .8' Building Variance, in order to 4) plat a lot that is 75.53' deep rather than the required 100', which would be a 24.47' Building Variance and 5) to plat a lot line 9.9' from the North property line rather than the required 20', which would be a 10.1' Building Variance, all on Lots 20-22,

Block 49, Hagerty & Lloyd's Addition to Aberdeen, a.k.a. 217 First Avenue NE. Tim Gisi and Tanya Poirier were present to represent the property. Following discussion, VanDeRostyne moved, and Weigel seconded, to approve items #1 - #3 with the stipulation that a plat must be filed with the Register of Deed's Office to eliminate underlying parcels for 215 and 217 as they exist today. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED ITEMS #1 - #3.** Tim Gisi and Tanya Poirier withdrew the request for items #4 and #5. No further action was taken. **WITHDREW ITEMS #4 AND #5.**

**OTHER BUSINESS:**

There being no further business before the Board, Weigel moved, and VanDeRostyne seconded, to adjourn the meeting, all members voting aye, the motion carried.

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Amanda Kamphuis  
Board of Zoning Adjustment Secretary  
September 8, 2022